

To the Members of the California State Assembly:

I am returning Assembly Bill 879 without my signature.

The right to a de novo appeal of Labor Commissioner's administrative hearing decision is a long-standing right of employers. This bill is an unjustified attempt to restrict that due process right.

There is no evidence that significant numbers of employers are intentionally avoiding the administrative adjudication process in order to proceed directly to a de novo appeal. Less than one and a half percent of the approximately 50,000 claims filed with the Labor Commissioner each year are ultimately appealed to the courts. Parties that did, in fact, participate in the administrative adjudication process make many, if not most, of these appeals.

Sincerely,

Arnold Schwarzenegger